

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 23, 1998

DIVISION ONE

B107030 Reinschreiber (Not for Publication)

v.

Matter of the Frederick Weisman Trust

The appeal is dismissed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

DIVISION TWO

B117963 Daniel R. Farnham (Certified for Publication)

v.

City of Los Angeles

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B114680 People (Not for Publication)
v.
Cheryl Y. Thomas, et al.

As to appellant Thomas, the judgment is affirmed.

As to appellant Rogers-Wright, the judgment is affirmed with the following modifications only. The great bodily injury findings as to the torture and mayhem convictions are stricken. Appellant Rogers-Wright is sentenced to state prison for the crime of mayhem in violation of section 204 for the mid-term of four years. He is sentenced to state prison for life with the possibility of parole for willful, deliberate and premeditated attempted murder in violation of sections 664 / 187, subdivision (a) with an additional three years added for inflicting great bodily injury within the meaning of section 12022.7, subdivision (a), which life sentence and enhancement is to run consecutive to the determinate sentence for mayhem. He is sentenced to state prison for the crime of torture in violation of section 206 for life with possibility of parole to run consecutive to the determinate sentence for mayhem and the life sentence with possibility of parole for willful, deliberate and premeditated attempted murder as enhanced.

The Clerk of the Superior Court is ordered to correct the abstract of judgment for each appellant to reflect the forgoing disposition and to impose a \$200 restitution fine against each appellant pursuant to section 1202.4, subdivisions (b) - (e) and a parole revocation fine against each appellant pursuant to section 1202.45, the latter suspended unless the appellant's parole is revoked.

Mallano, J. (Assigned)

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B122234 Jon W. Gaffney, M.D. (Not for Publication)
v.
Bosley Medical Institute, Inc., Larry Lee Bosley, M.D., and L. Lee Bosley
Family Limited Partnership

The order of dismissal against respondents is reversed. The matter is
remanded for proceedings consistent with this opinion. Appellant is
awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B124978 Toni J. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to
show cause is dismissed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

.B125651 Rocio S. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to
show cause is dismissed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

December 23, 1998-Continued

DIVISION TWO (Continued)

B120601 People (Not for Publication)
v.
Rodney Edward Hudson

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B113588 People (Not for Publication)
v.
Ramiro Palma Rodriguez

The judgment is reversed as to count 2 and is affirmed in all other respects.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

December 23, 1998-Continued

DIVISION TWO (Continued)

B107964 French, Sadat, Kugel & Co
and Seid Sadat

(Not for Publication)

V.
Eric Wyser

The order imposing sanctions is reversed and remanded to the trial court to enter a new sanctions order in accordance with Code of Civil Procedures section 128.5, subdivision (c). In all other respects the judgment is affirmed. Each party to bear its own costs.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

DIVISION FOUR

B117195 People
v.
Montes

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment)

DIVISION FIVE

B117471 People
v.
Elias J. Tapia, Jr. et al

(Not for Publication)

The abstract of judgment is ordered corrected to show a fine of \$200, suspended, on Tapia pursuant to section 1202.45. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B121828 People (Not for Publication)
v.
Sanchez

The judgment is modified to include a \$1,000 restitution fine pursuant to section 1202.4, subdivision (b). The judgment is further modified to stay sentencing on appellant's conviction for attempted residential robbery and the section 12022, subdivision (b) enhancement appended thereto, pursuant to the provisions of section 654. The clerk of the superior court is ordered to prepare a corrected abstract of judgment reflecting the foregoing. In all other respects, the judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

B118285 People (Certified for Publication)
v.
Macauley

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SEVEN

B119855 Jacobbe (Not for Publication)
v.
Messori, et al.

The judgment is affirmed. Respondents to recover their costs of appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

December 23, 1998-Continued

DIVISION SEVEN (Continued)

B094164 People (Not for Publication)
v.
Ponce

The conviction is affirmed. The sentence is reversed with the matter remanded to the trial court for reconsideration of the sentence consistent with the views expressed herein.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B119875 Ruschell (Not for Publication)
v.
Silverstein, M.D., et al.

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. Ruschell to recover her costs of appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B111752 Milovic (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.